

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINTTORRES Jr., Martin LSC
United States District Court
Southern District of Texas
FILED

CASE NUMBER: M-15-1048-M

JUN 29 2015

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 28, 2015 in Starr county, in the Southern District of Texas defendant(s) did,

Knowingly and Intentionally possess with the Intent to Distribute approximately 186 kilograms of Marijuana, a Schedule I Controlled Substance.

Knowingly and Intentionally conspire to possess with the Intent to Distribute approximately 186 kilograms of Marijuana, a Schedule I Controlled Substance.

in violation of Title 21 United States Code, Section(s) 846, 841 (a) (1)

I further state that I am a(n) Task Force Officer and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: ☒ Yes ☐ No

Signature of Complainant
DEA TFO Ricardo Ruiz

Sworn to before me and subscribed in my presence,

June 29, 2015

Date

At

McAllen, Texas

City and State

Dorina Ramos, U.S. Magistrate Judge

Name & Title of Judicial Officer

Dorina Ramos

Signature of Judicial Officer

ATTACHMENT "A"

On June 28, 2015, while conducting lay in operations, in Escobares, Texas near an area known to agents as "Speedios", Border Patrol Agent (BPA) Rolney Rodriguez, Texas Game Warden Brad Maloney, Texas Department of Public Safety (DPS) Armstrong, and DPS Wilkins seized 186.0 Kilograms (410.0 lbs) of marijuana with the assistance of Falcon 1.

Game Warden Brad Maloney was watching the river, as BPA Rodriguez was in a brushy area near "Speedios", and DPS Armstrong and Wilkins were close by in a vehicle for quick response. Maloney observed a raft with several subjects coming across from Mexico towards "Speedios" at approximately 21:30. It should be noted that Falcon 1 observed and recorded the entire incident. Falcon 1 transmitted via service radio that a raft was going north from Mexico towards "Speedios". When the raft reached the U.S. bank, Maloney observed subjects retrieving 6 large bundles from the raft and place them on the U.S bank. As the subjects started to move north from the bank Maloney could not see them anymore. At which point, Falcon 1 then stated that the subjects were stationary approximately 15 yards away from the river. The subjects were stationary for about 10 minutes until they started to walk north.

Falcon 1 then observed all subjects making their way north on a trail towards the intersection of 4th St. and Lopez St. At this moment, BPA Rodriguez a observed a white ford truck approaching the area and stop at the intersection. Falcon 1 sees all subjects come out of the brush and start loading up the bed and the cab of the truck with the large bundles. BPA Rodriguez then came out of the brush and once close enough he identified himself as a Border Patrol Agent and commanded them to stop. BPA Rodriguez saw at least 2 subjects jump off the bed of the truck and run towards the river into a brushy area. BPA Rodriguez was able to get close enough to the truck and was able to reach the driver door and open, as he held his pistol with his right hand. BPA Rodriguez opened the door and commanded the driver to stop multiple times, but he failed to comply. The driver accelerated and fled the immediate area.

BPA Rodriguez ran after the vehicle and did so for about 150 feet. BPA Rodriguez observed the driver jump out of the moving truck. The truck slowly rolls forward running over 2 mail boxes until coming to a complete stop once it collided with a light pole. BPA Rodriguez approached the truck and observed 5 bundles in the bed and 1 bundle in the back seat of the cab. DPS Armstrong and Wilkins responded and arrived on scene shortly after the vehicle came to a complete stop. DPS Armstrong stayed back to secure the vehicle as Wilkins and BPA Rodriguez attempted to locate and arrest the fleeing driver.

Falcon 1 stated that the driver ran between two houses, Falcon 1 instructed agents to run north passed the houses, because he observed an agent struggling with the subject. BPA Pedraza was the first one to approach the subject and while in an attempt to arrest him, the subject became combative and aggressive. The subject pushed Pedraza multiple times in an attempt to flee. Pedraza extended his baton and struck the subject 4 times, while continuing to command him to stop, but the subject did not comply. At this point other agents arrived and attempted to place the subject under arrest, the subject was still resisting but between all three agents were able to subdue him and place him under arrest.

The narcotics were transported to the Rio Grande City, Texas Border Patrol Station for processing and storage. The contents of the bundles were tested using the 908 Duquenois-Levine Reagent and the results were positive for marijuana.

On 06/29/2015 at approximately 0130 hours, Task Force Officer's (TFO) Ricardo Ruiz Jr., and Gilbert Vazaldua, with the Drug Enforcement Administration, was notified about the seizure. TFO Ruiz and TFO Vazaldua went to the Rio Grande City Border Patrol Station and made contact with TORRES. TORRES was read his Miranda Warnings in English by TFO Ruiz as witnessed by TFO Vazaldua. TORRES waived his rights and cooperated with TFO's RUIZ and Vazaldua. TORRES claimed knowledge of the marijuana. TORRES claimed he was hired by his cousin to drive the 2009 white Ford F150 to the designated area to be loaded with marijuana, seized by USBP Agents.

TORRES claimed that he was offered \$1,000 dollars as payment for the smuggling attempt.

TORRES claimed that once he arrived at the designated location he observed several men come out of the brush and loaded the Ford F150 he was driving with the marijuana bundles.

TORRES claimed that this was when he observed that the border patrol agent also came out of the brush and attempted to apprehend him. TORRES stated the he was spooked and sped off in the Ford F150. TORRES claimed that he believed he was going to be cornered in by law enforcement if he maintained in the vehicle so he fled on foot. TORRES stated that after a short pursuit he was caught by border patrol.